

P. ANDREW McSTAY, JR., OSB 033997

andymcstay@dwt.com

WILLIAM D. MINER, OSB 043636

billminer@dwt.com

DAVIS WRIGHT TREMAINE LLP

560 SW 10th Avenue, Suite 700

Portland, OR 97205

Telephone: (503) 241-2300

MARCIA ROBINSON LOWRY (*pro hac vice*)

mlowry@abetterchildhood.org

ANASTASIA BENEDETTO (*pro hac vice*)

abenedetto@abetterchildhood.org

LINDSAY GUS (*pro hac vice*)

lgus@abetterchildhood.org

A BETTER CHILDHOOD

355 Lexington Avenue, Floor 16

New York, NY 10017

Tel: (646) 795-4456

Attorneys for Plaintiffs

*Additional Counsel of Record Listed on
Signature Page*

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION

WYATT B., *et al.*,

Plaintiffs,

v.

TINA KOTEK, *et al.*,

Defendants.

Case No. 6:19-cv-00556

**PLAINTIFFS' REBUTTAL EXHIBIT
LIST**

Plaintiffs submit the following rebuttal exhibit list for trial. Plaintiffs reserve all rights to submit additional rebuttal exhibits based on updated pretrial submissions and testimony elicited at trial.

Rebuttal Exhibit No.	Description	Bates
491	April 15, 2024 Order, <i>M.D. bnf Stukenberg et al. v. Abbott et al.</i> , U.S. District Court, S.D. Tex., Case No. 2:11-CV-00084, ECF 1560.	
492	Exit Plan and Agreement, Charlie and Nadine H. et al. v. Murphy et al., U.S. District Court, D.N.J., Case No. 2:99-cv-03678, ECF 373.	
493	Co-Neutral 19th Commentary, <i>D.G. v. Yarborough</i>	
494	Foster Care Report for Youth	Wyatt_DHS_0627487
495	DHS Administrator Emails re Capacity Oct. 22	Wyatt_DHS_3852344
496	DHS Administrator Emails re Capacity Mar. 22	Wyatt_DHS_3170639
497	Emailed complaint re timely hearing notice, Jul. 22	Wyatt_DHS_4107541
498	DHS emails re lack of placements, TL usage	Wyatt_DHS_3516726
499	DHS emails re TL of youth, lack of resources	Wyatt_DHS_3825250
500	DHS emails re youth boarded in ED	Wyatt_DHS_3823869
501	DHS emails re youth living in tent	Wyatt_DHS_4644326
502	Feb 2023 CW Presentation	Wyatt_DHS_4663113
503	PK report draft presentation 2016	Wyatt_DHS_2990666
504	Emails between DHS and Casey	Wyatt_DHS_2988008
505	DHS emails 12.9.22	Wyatt_DHS_2984236
506	Email to DHS about ADA training feedback	Wyatt_DHS_4328022
507	DHS report disability outcomes	Wyatt_DHS_3207294
508	DHS emails re lack of placements	Wyatt_DHS_3162940
509	DHS emails re ADA coordinator position	Wyatt_DHS_3005085
510	DHS email re complaints on LGBTQ issues	Wyatt_DHS_2983397
511	Discussion from March 2022 process for VRA	Wyatt_DHS_2954908
512	DHS email re disability data process	Wyatt_DHS_2937090
513	Dec 2022 mtg notes	Wyatt_DHS_3200812
514	2021 emails re crises in cw	Wyatt_DHS_4411821
515	ACF, US DHHS, Child Maltreatment 2022 report	Online link
516	4.22 report on family retention	Wyatt_DHS_4662276
517	SOCAC minutes, Dec. 2023	Wyatt_DHS_4670687
518	Foster family retention report Feb 2024	Wyatt_DHS_4676312
519	Emails among DHS staff re BH services	Wyatt_DHS_4432567

520	OAR 413, Div. 17 – CIRT and Discretionary Reviews - 2019	
521	OAR 413, Div. 17 – CIRT and Discretionary Reviews - 2024	
522	Oregon SB 832 – Enrolled; 2019 Regular Session	
523	Oregon SB 942 – Enrolled; 2017 Regular Session	
524	“After Almost a Decade, DHS Adopts Rules Mandated by Law.” Salem Statesman Journal; 02.26.2017	
525	“44 Children Left in Harm’s Way...” Salem Stateman Journal; 03.24.2017	
526	“Oregon Child Welfare Agency to Change Fatality Review...” Salem Stateman Journal; 09.30.2019	
527	“Buried: The State Hides How Children Die on Oregon’s Watch...,” The Oregonian; 11.25.2018	
528	“Lawmakers to Question State Officials, Mull Stricter Rules...,” The Oregonian; 11.26.2018	
529	“Oregon’s DHS Director Didn’t See Major...,” OPB; 03.20.2017	
530	Witness registration re SB832; Senate Human Services Committee; 03.26.2019	
531	Witness registration re SB942; Senate Human Services Committee; 03.27.2017	
532	Info. Meeting; House Committee on Early Childhood and Human Services; 02.28.2024	
533	Statement of Kim Montgomery to House Committee on Early Childhood and Human Services; 02.28.2024	

534	Oregon HB 2804 – Enrolled; 2023 Regular Session	
535	Hearing re HB 2804; House Committee on Early Childhood and Human Services; 02.15.2023	
536	Witness registration re HB 2804; House Committee on Early Childhood and Human Services; 02.15.2023	
537	Statement of Anthony Castaneda [SEIU Local 503] to House Committee on Early Childhood and Human Services; 02.15.2023	
538	Statement of SEIU Local 503 to House Committee on Early Childhood and Human Services; 02.15.2023	
539	Oregon SB 548 – Enrolled; 2023 Regular Session	
540	Hearing re SB 548; Senate Committee on Human Services; 02.22.2023	
541	Witness registration re SB 548; Senate Committee on Human Services; 02.22.2023	
542	Witness registration re SB 548A; Senate Committee on Human Services; 04.24.2023	
543	Statement of Bryan Alford to Senate Committee on Human Services; 02.22.2023	
544	Statement of Wendy Bender to Senate Committee on	

	Human Services; 02.22.2023	
545	Statement of Marcy Bretz to Senate Committee on Human Services; 02.22.2023	
546	Statement of Jhana Brown to Senate Committee on Human Services; 02.22.2023	
547	Statement of Cindy Cosenzo to Senate Committee on Human Services; 02.22.2023	
548	Statement of Kittee Custer to Senate Committee on Human Services; 02.22.2023	
549	Statement of Heidi Evans to Senate Committee on Human Services; 02.22.2023	
550	Statement of Sophie Fashana to Senate Committee on Human Services; 02.22.2023	
551	Statement of Beth Fitzpatrick to Senate Committee on Human Services; 02.22.2023	
552	Statement of Mercury Foix to Senate Committee on Human Services; 02.22.2023	
553	Statement of Ian Ford to Senate Committee on Human Services; 02.22.2023	
554	Statement of Rebecca Gundle to Senate Committee on Human Services; 02.22.2023	
555	Statement of Amanda Holguin to Senate Committee on Human Services; 02.22.2023	
556	Statement of Cheyenne Jones to Senate Committee on Human Services; 02.22.2023	
557	Statement of Jennifer Kinzey to Senate Committee on Human Services; 02.22.2023	
558	Statement of Linda Martensen to Senate Committee on Human Services; 02.22.2023	
559	Statement of Allison Montelongo to Senate Committee on Human Services; 02.22.2023	
560	Statement of Meghan Newton to Senate Committee on Human Services; 02.22.2023	
561	Statement of Bryan Oakley to Senate Committee on Human Services; 02.22.2023	
562	Statement of Dr. Michelle Pliske to Senate Committee on Human Services; 02.22.2023	
563	Statement of Sherri Sacconaghi to Senate Committee on Human Services; 02.22.2023	
564	Statement of Anna Schmidt to Senate Committee on Human Services; 02.22.2023	
565	Statement of Leah Smith to Senate Committee on Human Services; 02.22.2023	
566	Statement of Michael Steffany to Senate Committee on Human Services; 02.22.2023	

567	Statement of Seema Steffany to Senate Committee on Human Services; 02.22.2023	
568	Statement of Victoria Wolff to Senate Committee on Human Services; 02.22.2023	
569	Hearing re DAS insurance fund to Joint Subcommittee on General Government; 02.14.2024	
570	Presentation re DAS insurance fund to Joint Subcommittee on General Government; 02.14.2024	
571	Press conference re 2018 Oregon SOS Audit; 01.31.2018	
572	OAR 413-015-0608 – 0608 re CPS, Out of Home Care Assessments; 2017	
573	OAR 413-015-0604 re CPS, Out of Home Care Assessments; 2024	
574	OAR 413-015-0606 re CPS, Out of Home Care Assessments; 2024	
575	OAR 413-015-0608 re CPS, Out of Home Care Assessments; 2024	
576	KATU: “DHS: Long Child Abuse Hotline Wait Times...;” 05.04.2019	
577	KATU: “DHS Blames Low Funding...;” 04.25.2019	
578	KGW: “Mandatory Reporters Frustrated...;” 01.01.2022	
579	Oregon Capital Chronicle: “Callers Face Long Waits...;” 02.02.2022	
580	Statesman Journal: “Oregon Child Abuse Hotline Launch Marred...;” 04.25.2019	
581	02.28.2024 testimony of Alyssa Shiprack to OR House Early Childhood and Human Services Committee.	
582	02.28.2024 testimony of Jamie Stockdale to House Early Childhood and Human Services Committee.	
583	DHS-DL contract [submitted to Senate Human Services Committee]	
584	DHS/ Pakseresht 02.05.2024 memo to Senate Human Services Committee re CW contractors; TL and litigation	
585	Gelser 02.06.2023 memorandum; submitted to Senate Human Services Committee re “Gaps in safety and accountability for kids [in TL/ TLP].”	
586	Hearing; update on TL to House Interim Committee on Early Childhood and Human Services; 01.10.2024	
587	Presentation; DHS update on TL to House Interim Committee on Early Childhood and Human Services; 01.10.2024	

588	Hearing; re TL to House Interim Committee on Early Childhood and Human Services; 09.27.2023	
589	Presentation; DHS update on TL to House Interim Committee on Early Childhood and Human Services; 09.27.2023	
590	Hearing; Gelser testimony re SB1521 to House Committee on Early Childhood and Human Services; 02.26.2024	
591	Hearing; DHS testimony re preventing TL to Joint Committee on Ways and Means; 02.12.2024	
592	Presentation; DHS presentation on preventing TL to Joint Committee on Ways and Means; 02.12.2024	
593	Hearing; re SB1521 to Senate Committee on Human Services; 02.07.2024	
594	Hearing; re SB1521 to Senate Committee on Human Services; 02.12.2024	
595	DHS Memo to Senate Committee on Human Services; 02.09.2024	
596	DHS Memo to Senate Committee on Human Services; 02.14.2024	
597	Statement of Wendy Simer re SB1521 to Senate Committee on Human Services; 02.22.2023	

DATED this 29th day of April, 2024.

DAVIS WRIGHT TREMAINE LLP

By: s/ P. Andrew McStay, Jr.
P. Andrew McStay, Jr. OSB 033997
andymcstay@dwt.com
William D. Miner, OSB 043636
billminer@dwt.com
560 SW 10th Avenue, Suite 700
Portland, OR 97205
Tel: (503) 241-2300

A BETTER CHILDHOOD

Marcia Robinson Lowry (*pro hac vice*)
mlowry@abetterchildhood.org
Anastasia Benedetto (*pro hac vice*)
abenedetto@abetterchildhood.org
Lindsay Gus (*pro hac vice*)
lgus@abetterchildhood.org
355 Lexington Avenue, Floor 16
New York, NY 10017
Tel: (646) 795-4456

DISABILITY RIGHTS OREGON

Emily Cooper, OSB 182254
ecooper@droregon.org
Thomas Stenson, OSB 152894
tstenson@droregon.org
511 SW 10th Avenue, Suite 200
Portland OR 97205
Tel: (503) 243-2081

RIZZO BOSWORTH ERAUT PC

Steven Rizzo, OSB 840853
srizzo@rizzopc.com
Mary D. Skjelset, OSB 075840
mskjelset@rizzopc.com
1300 SW 6th Avenue, Suite 330
Portland, OR 97201
Tel: (503) 229-1819

Attorneys for Plaintiffs